

BRIDGER ET AL  
Serial No. 08/244,863

been retained as the basis for the rejection of the main claim is believed to have been obviated.

An abstract of the disclosure is being submitted herewith.

A new title has also been provided as required.

Claims 42-45 have been cancelled without prejudice. This moots the rejections noted in ¶s 3, 4 and 12 of the action.

Claim 1 has been amended to obviate the basis for the Examiner's objection and rejection as set out in ¶s 5 and 6 of the action. Thus, claim 1 has been amended to specify that the amine nitrogens are the only ring heteroatoms. Additionally, claim 1 has been limited to the feature of claim 2, the latter being cancelled as redundant. Reconsideration of the objection and rejection of ¶s 5 and 6 is, therefore, requested.

Claims 19, 20, 28 and 30 have been cancelled to reduce the issues. Discussion of the rejections in ¶s 8, 9 and 10 of the action is not considered necessary in the circumstances. It is noted, however, that Yaouanc et al, for example, appears to teach only substituted macrocycles rather than linked macrocycles as required herein.

The Examiner is requested to reconsider the Section 103 rejection of claims 16-17 and 25-41 based on WO 92/16494. The reference does not make the applicants' compositions and

BRIDGER ET AL  
Serial No. 08/244,863

compounds of claims 6-17 and 25-41 obvious. It is noted in this regard that the Examiner appears to have misread WO '494 which clearly states that the compounds are macrocycles linked to a polyamine chain (page 4, line 19, "provided that at least one of Z and Y is a said chain". Thus, the compounds in WO '494 do not embrace or suggest the instant compounds. It can also be seen that the single biological result, in the Table on page 17 of '494, shows the compound to be rather ineffective. In any case, the reference does not show or suggest the applicants' products of claims 6-17 and 25-41 with the different linkage joining the specified macrocycles. Reconsideration and withdrawal of the Section 103 rejection based on WO '494 is, therefore, requested.

The Examiner is also requested to reconsider the Section 103 rejection of claims 11-15, 31-35 and 41 based on Rousseaux et al. This reference does not disclose or suggest the applicants' products as defined in the rejected claims. The reference also does not suggest the unique properties of the applicants' compounds.

In rejecting the applicants' claims on Rousseaux et al, the Examiner states that the applicants are not entitled to the benefit of their GB filing date. The applicants consider that they are so entitled for the subject matter of the rejected

BRIDGER ET AL  
Serial No. 08/244,863

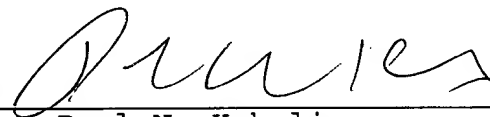
claims but, in any event, the reference, if citable, cannot possibly be viewed as sufficient to suggest the applicants' products and their unique activity. This is particularly true in view of the absence of any teaching in the reference that the compounds there described would have anti-HIV activity, to say nothing of the applicants' specifically different and novel compounds. The Rousseaux disclosure certainly does not in any sense lead one in the art to the applicants' compounds of claims 11-15, 31-35 and 41. To be a proper reference under Section 103, the reference must provide a motivation to prepare the compounds at issue and to enable their preparation. Rousseaux fails to meet these requirements, particularly in that he provides no suggestion of the applicants' compounds and their activity. Accordingly, the Section 103 rejection based on Rousseaux should be withdrawn.

Favorable reconsideration is requested.

Respectfully submitted,

CUSHMAN DARBY & CUSHMAN, L.L.P.

By



Paul N. Kokulis  
Reg. No. 16773

PNK:mh  
1100 New York Avenue, N.W.  
Ninth Floor  
Washington, D.C. 20005-3918  
Phone: (202) 861-3503